

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 2:</b> Administration of Child Welfare	<b>Effective Date:</b> October 15, 2006
	<b>Section 4:</b> Child Care Workers Investigation Review Process	<b>Version:</b> 1

<b>POLICY [NEW]</b>	<b>OLD POLICY: N/A</b>
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- For the purpose of this policy, the Indiana Department of Child Services (DCS) defines “child care worker” as a person who has or will have direct contact with children, through the course of employment with any of the following:
  1. Any agency that provides services to or for the benefit of children who are victims of child abuse or neglect; or,
  2. Any of the following types of facilities:
    - Child care center; or
    - Child care home (whether or not required to be licensed); or
    - Child care ministry (whether or not licensed); or
    - Residential group home; or
    - Foster home; or
    - Child caring institution; or
    - School<sup>1</sup>; or
    - Juvenile detention center; or
    - Licensed child placing agency
  3. Any other facility that provides residential care for children; or,
  4. Any other agency that is a contracted service provider for DCS.
- The process described herein applies regardless of whether the allegation includes actions taken within the scope of employment. It is the responsibility of the alleged perpetrator to notify the investigating FCM that he/she is a child care worker in the event that the allegations are related to the child care worker’s personal life.
- DCS will allow the alleged child care worker perpetrator (herein referred to as the ‘child care worker’) to participate in a Child Care Worker Investigation Review (CCWIR), as an opportunity to present any information he/she feels could assist DCS in making an accurate decision. The CCWIR is an informational meeting only and no official recording will be made of the meeting.
- The child care worker has the right to have an attorney, or other representative present at the CCWIR. The attorney or representative may assist the child care worker in presenting information at the meeting. However, witness testimony is prohibited.
- DCS will require that the CCWIR be conducted by one of the following persons, who was not substantially involved in the investigation or the preparation of the investigation report:
  - The local DCS office Director in the county responsible for the investigation; or
  - The local DCS office Deputy Director in the county responsible for the investigation; or
  - The regional manager in the region responsible for the investigation.
- DCS will require that the CCWIR occurs prior to supervisory approval of the investigation finding.
- DCS will allow the supervisor to proceed with the approval process, if the child care worker perpetrator does not attend the CCWIR.

<sup>1</sup> Does not included tenured public school teachers or administrators who have other processes available to them.

- DCS will notify the child care worker in writing of the [investigation finding](#) and his/her appeal rights regardless of whether he/she participates in the CCWIR.
- DCS **will notify** that child care worker's **employer** or prospective employer **and** the appropriate **licensing unit** within **two (2) business days of substantiation**.
- DCS reserves the right to contact the appropriate licensing unit regarding an emergency closure at any time during the investigation process, if the immediate safety and/or well-being of the alleged victim or another child at the facility is in question.
- DCS recognizes the right of the child care worker to request an Administrative Appeal Hearing, if he/she disagrees with the investigation finding. See separate policy, [Administrative Appeal Hearings](#).

#### Code References

- N/A

### **PROCEDURE**

The FCM will

- Complete the investigation in accordance with the DCS investigation policies found in [Chapter 4: Investigation \(Assessment\)](#).
- Notify his/her supervisor that the investigation involves a child care worker as defined in this policy.

If the recommendation is to substantiate the allegations, the Supervisor will

- Notify the local DCS office director of the need for a CCWIR within one (1) business day of receiving the recommendation from the FCM.
- Wait to review the report until the CCWIR is conducted and the CCWIR decision is received.

The local DCS office director or other person conducting the meeting will

- Notify the child care worker of the intent to substantiate and schedule the CCWIR within three (3) business days of being notified by the supervisor, using the [Notice of Intent to Substantiate](#). **Include a draft copy of the Investigation Report/311 with the notice.**
- Hold a CCWIR within five (5) business days of the date of the [Notice of Intent to Substantiate](#).
- Review the case file, the child care worker's statement and any documentation presented.
- Determine if the substantiation should be approved.
- If the substantiation is not approved, decide which of the following actions will be taken:
  - The allegation(s) will be unsubstantiated; or
  - The allegation(s) will be indicated; or
  - The case will be reopened.
- Assure that the following person are notified of the decision
  - The child care worker, using the [Notice of CCWIR Decision](#). Include a copy of the [Request for Administrative Appeal Hearing](#) with the notice.
  - The Investigating FCM.
  - The FCM's supervisor.
- Assure that the child care worker's employer and the appropriate licensing unit are notified within 48 hours of substantiation using [Notice of Employee Substantiation](#), if applicable.
- Assure that all remaining investigation tasks are complete in a timely manner as set out in [Chapter 4: Investigation \(Assessment\)](#).

If the alleged child care worker perpetrator chooses to appeal the decision, proceed to next step, [Administrative Appeal Hearings](#).

<b>PRACTICE GUIDANCE</b>
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- N/A

<b>FORMS AND TOOLS</b>
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- [Notice of Intent to Substantiate](#)
- [Notice of CCWIR Decision](#)
- [Investigation Report/311](#)
- [Request for Administrative Appeal Hearing](#)

<b>RELATED INFORMATION</b>
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